

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 28866 of 1995

Between:

Anam Vivekananda Reddy,

S/o.Venkata Reddy,

Chairman, Nellore Municipal Council and Chairman of A.P.,

Chambers of Municipal Chairman

R/o.Nellore Town, Nellore Dist

... PETITIONER

AND

1. Government of Andhra Pradesh,

rep.by its Principal Secretary,

Municipal Administration & Urban Development Department

Secretariat, Hyderabad

2. The Commissioner,

Nellore Municipality, Nellore

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction one in the nature of writ of mandamus declaring the Memo No.30995/Elec.I/95-1 Dt.25/10/1995 of the Municipal Administration and Rural Development Department issued by the 1st respondent as illegal, arbitrary, discriminatory and without jurisdiction and set aside the same.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GOVERNMENT PLEADER FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT.

The Court made the following:

ORDER:

Heard both sides.

2. Challenging the Memo.No.30995/Elec.I/95-1, dated 25-10-1995, of the Municipal Administration and Urban Development Department, as illegal, arbitrary, discriminatory and without jurisdiction, hence, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that ex-officio members of the Municipality were provided with some additional facility like finding a place on the dais, to that effect, Memo, dated 25-10-1995, was also issued.

4. It is not in dispute that the ex-officio members can participate in the council meetings and in the discussions but they cannot vote.

5. The members of the Legislative Assembly or the Members of the Parliament, who are by and large, be treated as personalities of some distinction, are extended with the facility of occupying a place on the dais and nothing more. No apparent prejudice is caused to the council meetings or to the members of the council, and their presence in the meetings is permitted under law but their presence on the dais is only as a mark of respect, being the elected

representatives of the public.

6. I do not find any illegality or arbitrariness in the impugned Memo.

7. For the foregoing reasons, the writ petition is devoid of merits and is liable to be dismissed.

8. In the result the writ petition is dismissed. No costs.

D.S.R.VARMA, J

Dated: 30th July, 2003.

LSK/KRK

To

1. The Principal Secretary,

Government of Andhra Pradesh,

Municipal Administration & Urban Development Department

Secretariat, Hyderabad

2. The Commissioner,

Nellore Municipality, Nellore

3. Two C.Cs. to the Government Pleader for Municipal Administration and

Urban Development, High Court Buildings, Hyderabad.

4. Two C.D. copies.(Out)